IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.941 OF 2007

Mr.Gaurang Vinodrai Doshi ..Applicant

Vs.

State of Maharashtra ..Respondents

...

Mr.Shirish Gupte senior counsel for applicant
Mr.S.R.Shinde A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 20, 2007

P.C.

1. Heard the learned senior counsel for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking anticipatory bail in C.R.No. 42 of 2007 registered with Versova Police Station. The said case is under Sections 376, 417, 326, 325, 427, 506-II of IPC.

3. As far as offence under Section 376 of IPC is concerned, prima facie, it does not appear to be a case under Section 376 of IPC. Complainant was

living with the applicant for more than a year. The complainant is an upcoming actress and applicant is a producer and director of films. The complainant became acquainted with the applicant. Thereafter, she started living with the applicant and thereafter sexual relations developed between the two. The complainant is a major. The material on record prima facie shows that she was a consenting party to the said sexual relations. Hence, prima facie, offence under Section 376 of IPC does not appear to be made out against the applicant.

4. However, the complainant has also stated that on 15.2.2007 at 5.30 a.m. the applicant has assaulted her. On account of said assault, the jaw of the complainant was fractured. This shows the involvement of the applicant in an offence under Section 326 of IPC. Hence, I am not inclined to grant anticipatory bail to the applicant. Application is rejected.

5. At this stage, the learned counsel for the applicant states that applicant may be given some time to surrender before the Investigating Officer.

Applicant is given time upto 28.3.2007 to surrender.

6. The observations made in this Court, shall not influence the Court below while deciding the bail application of the applicant or while deciding the trial.

7. Application is disposed of.

[V.K.Tahilramani, J.]